

REMARKS

In summary, claims 1-30 are pending. Claims 1, 5, 7, 12, 15, 19, 21, 26, and 29 are independent. Claims 26-30 are rejected under 35 U.S.C. § 101. Claim 13 is rejected under 35 U.S.C. § 112, second paragraph (indefiniteness). Claims 1, 3, 4, 12, 13, 15, 17, 18, 26, and 27 are rejected under 35 U.S.C. § 102(b). Claims 2 and 16 are rejected under 35 U.S.C. 35 § 103(a). Claims 5-8, 10, 11, 14, 19-22, 24, 25, and 28-30 are rejected under 35 U.S.C. 35 § 103(a). Claims 9 and 23 are rejected under 35 U.S.C. 35 § 103(a). Reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Although unnecessary to overcome the cited references, claims 1, 5, 7, 12, 13, 15, 19, 21 and 26-30 have been amended without reciting new matter to indicate that the single “system” is a “single computer” as opposed to a plurality of interconnected computers. Support for the clarification may be found, for example, in paragraphs 0040-0042 of the Published Application (2005/0091486) referring to “Plural Computing Environments on a Single Machine” and “two operating systems [executing] side-by-side on a single computer [with] separation [and] interaction.”

It is notable that the rejection is substantially repeated. Applicants noticed on page 18 of the Office Action that the Examiner equated the claimed single computer “system” to the network of computer systems 30, 40, and 60 shown and discussed in the primary reference Boebert. Applicants previously pointed out this is a misinterpretation of the claims and believe the amendment makes that even clearer. It appears to Applicants that many amendments to date have been unnecessary given the ongoing misinterpretation of the claimed single “system” as a network of computers.

Telephone Conversation With Examiner

Examiner Shih is thanked for the telephone conversation conducted on January 26, 2010. Proposed amendments were discussed. Asserted art was discussed. It appears that the proposed amendments overcome the rejections based on the asserted art. Rejections under 35 U.S.C. §§ 101 and 112 were discussed. It appears that the rejections under 35 U.S.C. §§ 101 and 112 are overcome. Examiner suggested using the term “computer” in the claims.

Rejection of Claims 26-30 Under 35 U.S.C. § 101

Claims 26-30 are rejected under 35 U.S.C. § 101 as allegedly failing to recite statutory subject matter. Specifically, the Office Action alleges “the recited ‘computer-readable medium’ may be an electromagnetic signal” and that “the recited ‘system’ is software per se and not a process, a machine, a manufacture or a composition of matter.” (Office Action p. 2).

Without prejudice or disclaimer, claims 26-28 are amended to recite “computer-readable storage medium” and claims 29 and 30 are amended to recite “A ~~system~~ single computer.” Accordingly, Applicants respectfully request withdrawal of the rejection of claims 26-30 under 35 U.S.C. § 101.

Rejection of Claim 13 Under 35 U.S.C. § 112

Claim 13 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite regarding recitation of “a host window manager.” (Office Action, p. 3).

Without prejudice or disclaimer, claim 13 has been amended so that the second reference to host window manager refers to “[a] said host window manager.” Accordingly, Applicants respectfully request withdrawal of the rejection of claim 13 under 35 U.S.C. § 112.

Rejection of Claims 1, 3, 4, 12, 13, 15, 17, 18, 26 and 27 under 35 U.S.C. 102(b)

Claims 1, 3, 4, 12, 13, 15, 17, 18, 26 and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 5,822,435, issued to Boebert *et al.* (hereinafter referred to as "Boebert"). (Office Action, pp. 3-7). Applicants respectfully traverse the rejection.

Boebert clearly fails to teach the claimed subject matter as previously and presently presented. For example, Boebert fails to teach that two separate operating systems run concurrently on the same system and also fails to teach that the two operating systems share a window manager. Applicants believe this has been clarified by present amendment.

Claims 1, 5, 7, 12, 13, 15, 19, 21 and 26-30 have been amended to indicate that the single "system" is a "single computer" as opposed to a plurality of interconnected computers. As previously noted, support for the clarification may be found, for example, in paragraphs 0040-0042 of the Published Application (2005/0091486) referring to "Plural Computing Environments on a Single Machine" and "two operating systems [executing] side-by-side on a single computer [with] separation [and] interaction."

On page 18 of the Office Action that the Examiner equated the claimed single computer "system" to the network of computer systems 30, 40, and 60 shown and discussed in the primary reference Boebert. Applicants previously pointed out this is a misinterpretation of the claims and believe the amendment makes that even clearer.

Boebert fails to teach that two separate operating systems run concurrently on the same system. In contrast to this claimed subject matter, Boebert teaches two separate systems, where one system intercepts and overwrites I/O of the other system. Boebert discusses a user workstation 40 communicating with a host computer 60 over a network 50 in insecure (normal) and secure (trusted) modes. To facilitate secure communications, a separate add-on system 30 that re-routes, intercepts, controls and modifies the human interface or I/O (including display) signals of workstation (system) 40. Boebert teaches interception and modification of the display 10 of workstation 40 by physically re-routing workstation's I/O through separate add-on system

30, which overlays part of the system's 40 display 10 during secure communications with host computer 60. Boebert, col. 5, ll. 36-39 ("Since window 82 is created outside of workstation 40, by trusted elements, it is not possible for malicious software in workstation 40 to control any of the video in trusted window 82."

As mentioned in previous remarks, Boebert, in col. 5, discloses a single operating system with two modes; a normal mode and a trusted mode. When in normal mode, the user may connect with non-secure network systems and perform operations that do not require validation or a trusted relationship between computer systems. In trusted mode, the operating system locks out non-trusted computer systems and network relationships to protect the trusted pathway such that the user may operate on sensitive, trusted data without the fear of this data being discovered or usurped by outside agents.

Boebert discloses a single operating system with two paths, non-trusted and trusted, and the ability to switch between the two, performing operations in first one, then the other, but not performing concurrent operations. There is no disclosure, explicit or implied, for "a second execution environment operating concurrently on the system" where the "second execution environment" comprises "a nexus [*i.e.*, a "high availability" operating system]" and the second execution environment comprising a different operating system." Rather, Boebert makes clear in col. 5, lines 28-33 that the operating modes are "either/or", not concurrent.

Thus, Boebert fails to teach that two operating systems (which each generate GUI elements) operate concurrently on the same system.

Additionally, Boebert fails to teach that two concurrent operating systems share a window manager. As illustrated best in Boebert's FIG. 3, add-on system 30 has its own video manager 34 controlling display 10 that is not shared with workstation's 40 video manager independently outputting its own display information 44. Workstation 40 has its own video manager outputting its own display information 44 and add-on system 30 has its own Video Manager 34 that either feeds through display info 44 or overrides and replaces it with video

output by processor 31 of add-on system 30. Video Manager 34 of add-on system 30 is not a window manager and it is not a shared window manager. Video Manager 34 is nothing but a video feed selector that selects one of two sources of video. Workstation 40 need not even know add-on system 30 exists so “sharing” is not possible and not desired according to Boebert. Boebert is about intercepting and substituting video feed, not sharing management of windows. Boebert switches between the video display independently provided by workstation 40 and video independently provided by add-on system 30 by toggling switch 38 according to normal and trusted modes of operation. This is not sharing, this is overriding or replacing one with another. Further, this also is not a window manager, this is video feed selection. Boebert is so averse to sharing that Boebert teaches away from sharing. Thus, Boebert also clearly fails to teach that two operating systems (which each generate GUI elements) share the same window manager.

The foregoing remarks apply equally well to all pending claims given that both claim limitations are present in each independent claim. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 3, 4, 12, 13, 15, 17, 18, 26 and 27 under 35 U.S.C. § 102(b).

Rejection of Claims under 35 U.S.C. §103

Claims 2 and 16 are rejected under 35 U.S.C. 35 § 103(a) as being unpatentable over Boebert in view of US Patent No. 6,512,529, issued to Janssen *et al.* (hereinafter referred to as “Janssen”), claims 5-8, 10, 11, 14, 19-22, 24, 25 and 28-30 are rejected under 35 U.S.C. 35 § 103(a) as being unpatentable over Boebert in view of and article by Ye, “Trusted paths for browsers: An open-source solution to web spoofing,” Feb 4, 2002 (hereinafter referred to as “Ye”) and claims 9 and 23 are rejected under 35 U.S.C. 35 § 103(a) as being unpatentable over Boebert in view of Ye and an article by Dhamija, “Hash Visualization in User Authentication,” April, 2000 (hereinafter referred to as “Dhamija”). (Office Action, pp. 7-18). Applicants respectfully traverse the rejections.

The foregoing remarks apply equally well to each of these rejections. The additional references are not cited to, and they fail to, teach or suggest the subject matter that Boebert fails to teach, as pointed out in the previous section. Thus, even if the alleged interpretation of the cited references and the alleged combination and modification of references were proper, the asserted combinations would still fail to teach or suggest the claimed subject matter. Thus, all claims are allowable for at least the same reasons provided in the previous section.

In addition, the proposed combinations in the Office Action also run afoul of prohibitions against rendering Boebert's system or method unsatisfactory for its intended purpose, changing its principle of operation and combining it with references in a way that is taught away from by Boebert or the other references. These prohibitions are bright line tests proving that alleged combinations are, in fact, not obvious. Any "proposed modification can not render the prior art unsatisfactory for its intended purpose" (M.P.E.P. § 2143.01.V). Further, "[t]he proposed modification cannot change the principle of operation of a reference." (M.P.E.P. § 2143.01.VI). Further still, "[i]t is improper to combine references where the references teach away from their combination." M.P.E.P. § 2145 X.D.2. Each "prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed subject matter." M.P.E.P. § 2141.02 VI. "A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." In re Gurley, 27 F.3d 551, 553 (Fed. Cir., 1994).

Accordingly, it is respectfully requested that the rejection of the claims under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

CONCLUSION

Any amendments made during prosecution of the pending application are without abandonment of subject matter. Applicant expressly reserves the right to, in the pending application or any application related thereto, reintroduce any subject matter removed from the scope of claims by any amendment and introduce any subject matter not present in current or previous claims.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Reconsideration of this application and an early Notice of Allowance are respectfully requested.

Date: February 9, 2010

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